IN THE HIGH COURT OF UTTARANCHLA AT NAINITAL

P.I.L. Writ Petition No. 1394 of 2005 (M/B)

Smt. Renu Bhatt W/o Sri H.R.Bhatt,
R/o 17 Dilaram Bazar,
Rajpur Road, Dehradun ... Petitioner

Versus

1. Chief Secretary,
   Uttaranchal Government, Dehradun.
2. District Magistrate, Dehradun
3. Senior Superintendent of Police, Dehradun
4. Chairman, Nagar Nigam, Dehradun
5. Vice President,
   Mussoorie Dehradun Development Authority
   Dehradun.
6. Smt. Som Bala Devi W/o Shri Ramesh Singh,
   R/o 28, Salawala, Dehradun ... Respondents

Sri Sudhir Singh, Advocate for the petitioner
Sri U.P.S.Negi, Addl. Advocate General for respondents 1 to 3.
Sri B.D.Upadhyaya, Advocate for respondent no. 4.
Km. Pooja Banga, Advocate for respondent no. 5.
Sri P.S.Bisht, Advocate on behalf of Sri Rakesh Thapliyal, Advocate for respondent no. 6.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C. J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri Sudhir Singh, Advocate for the petitioner

Sri U. P. S. Negi Addl. Advocate General for respondents 1 to 3.

Sri B. D. Upadhyaya, Advocate for respondent no. 4.

Km. Pooja Banga, Advocate for respondent no. 5.

Sri P. S. Bisht, Advocate on behalf of Sri Rakesh Thapaliyal, Advocate for respondent no. 6.

They are heard.

2. Petitioner Smt. Renu Bhatt has filed this writ petition styled as 'Public Interest Litigation' for the following reliefs:

"(i) to issue a writ, order or direction in the nature of mandamus directing the respondent nos. 1 to 5 to take necessary steps for the development of the area of petitioner's colony and at the same time demolish the illegal construction being raised by the respondent no. 6 along with the Seasonal Nalha near the petitioner's colony as well as at the end part of the road, which is connecting the Main Link Road, Salawala.

(ii) to issue a writ order or direction in the nature of mandamus commanding the respondents Nos. 1 to 5 to immediately take the necessary steps for construction of the Rajpur-Salawala Link Road, which passes through petitioner's colony for the convenience of the entire public at large.

(iii) to issue any suitable writ, order or direction of any nature which this Hon'ble Court may deem fit and proper in the present circumstances of the case.

(iv) to award the cost of the writ petition in favour of the petitioner."

3. The petitioner, in substance, is seeking a direction to respondents 1 to 5 to take appropriate action for the demolition of the alleged illegal construction said to have been raised by respondent no. 6.

4. Counter affidavits have been filed on behalf of respondent no. 3 – Senior Superintendent of Police, Dehradun, respondent no.4 – Chairman, Nagar Nigam, Dehradun and respondent no. 5 – Vice Chairman, Mussoorie – Dehradun Development Authority, Dehradun.

5. In the counter affidavit filed on behalf of respondent no. 4 – Chairman, Nagar Nigam, Dehradun, following averments have been made in para 17 :

" That in reply to the contents made in para no. 15 of the Writ Petition it is submitted that the measurement of Nalla is being done by the Revenue Department and in case it is found that the respondent no. 6 has encroached the land of Nalla suitable action as per law shall be taken against him."

6. As the concerned authorities have already taken steps in the matter, no further directions in this petition, now, are, necessary.

7. We, however, hope that respondents 1 to 5 shall make concerted efforts for removing the encroachments, if any, on the banks of Nala and over the adjoining Government / Corporation land expeditiously.

8. With above observation, the writ petition stands disposed of with the liberty to the petitioner to file another writ petition if the future developments so warrant.

9. With the above order, CLMA No. 13360 of 2005 also stands disposed of.

(J.C.S.Rawat, J.) **(Rajeev Gupta, C. J.)**

25.08.2006 25.08.2006

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